Notice of Allowability	Application No.	Applicant(s)	
	10/678,515	CAVANNA, JEAN-FRANCOIS	
	Examiner	Art Unit	
	Thomas M. Sember	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the application filed on 10/02/03*.

2. ☒ The allowed claim(s) is/are *1-6*.

3. ☒ The drawings filed on *03 October 2003* are accepted by the Examiner.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Thomas M Sember
Primary Examiner
Art Unit: 2875

Detailed Action

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Blackburn on 06/21/05. The examiner contacted the applicant's representative on 06/21/05 to amend the antecedent bias problem in claim 1. Applicant's representative agreed to the changes noted below.

The application has been amended as follows:

1.) In claim 1, line 16 "wherein it" has been changed to –the capsule further–.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: None of the prior art alone or in combination teaches or fairly suggest applicant's claimed invention for the following reasons:

The prior art most similar to applicant's invention is taught by Ryder et al and Schauwecker.

Ryder et al discloses "a pivot capsule for a motor vehicle headlamp including an end intended to be fixed to a rear face of a lighting module having a reflector 20, and an opposite end incorporating a seating 40 receiving a substantially spherical head 28 of a fixing rod 26 of substantially axial orientation extending from a front face of a housing of the headlamp to allow the lighting module to pivot relative to the housing, and at least two parallel flexible retaining lugs 56 extending with play on both sides of the channel and of the spherical head" as claimed in applicant's claim 1.

However, Ryder et al fails to teach or fairly suggest "the seating is open at its two transverse ends and includes a bottom wall incorporating a channel formed into a portion of a cylinder of substantially transverse orientation and having a curvature corresponding to that of the spherical head, which receives the end of the substantially spherical head" and the lugs have "recurved arms turned towards the channel of which the ends, formed into a portion of a cylinder of substantially transverse orientation and having a curvature corresponding to that of the spherical head, bear on the spherical head substantially at its junction with the rod to hold it securely in the channel."

Nor does Ryder et al teach or fairly suggest "an additional retaining element intended to be inserted via an open end of the seating and which includes at least one retaining surface which is intended to be located in contact with the spherical head to improve its means of support." as claimed in applicant's claim 1.

Schauwecker teaches flexible recurved arms turned inward for holding a spherical head. However, Schauwecker fails to teach or fairly suggest "the seating is open at its two transverse ends and includes a bottom wall incorporating a channel formed into a portion of a cylinder of substantially transverse orientation and having a curvature corresponding to that of the spherical head, which receives the end of the substantially spherical head" as claimed in applicant's claim 1.

Nor does Schauwecker teach that the recurved arms are "turned towards the *channel* of which the ends, formed into a portion of a cylinder of substantially transverse orientation and having a curvature corresponding to that of the spherical head, bear on the spherical head substantially at its junction with the rod to hold it securely in the channel." as claimed in applicant's claim 1.

Finally, Schauwecker fails to teach or fairly suggest "an additional retaining element intended to be inserted via an open end of the seating and which includes at least one retaining surface which is intended to be located in contact with the spherical head to improve its means of support." as claimed in applicant's claim 1.

Since none of the prior of record alone or in combination teaches or fairly suggest all of the claimed features of applicant's invention, claim 1 is allowable.

Claims 2-6 properly depend on claim 1 and thus are also allowable for the reasons above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakazawa et al, Burton, Wood Jr. and Maughan disclose illumination devices which are similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas M Sember
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